

Application No.: 10/590,471  
Amendment Dated: March 5, 2010  
Reply to Office Action of: January 5, 2010

MAT-8885US

**Amendments to the Drawings:**

The attached replacement sheet of drawings includes changes to Figure 1. This sheet replaces the original sheet.

The attached annotated replacement sheet indicates the changes made to Figure 1.

**Remarks/Arguments:**

Claims 1-7 are presently pending. Claim 1 has been amended. Claim 8 has been added. Reconsideration is respectfully requested in view of the above amendments and the following remarks.

Applicants thank the Examiner for the courtesy extended to Applicants' representatives during the interview of January 26, 2010. During the interview, the differences between the prior art and Applicants' invention were discussed. Additionally, potential claim language for distinguishing over the prior art was discussed. No agreement was reached on the allowability of the claims.

**Objections to the Drawings and Specification**

Page 2 of the Office Action sets forth "[t]he drawings are objected to...because they do not include the following reference sign(s) mentioned in the description: V2." Additionally, page 3 of the Office Action sets forth "[t]he disclosure is objected to because...[t]he specification contains reference numeral V2, not found in the drawings, as detailed above." Applicants note that the replacement sheet provided with the previous response was included in error. Applicants herewith provide the correct replacement sheet for FIG. 1, which includes the reference sign "V2".

The Office Action further sets forth that "applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version." Applicants herewith provide an annotated replacement sheet for FIG. 1. The annotated sheet indicates that a new reference sign "V2" has been added to FIG. 1, along with an associated lead line. The new reference sign and lead line are circled on the annotated sheet. No other changes are made to FIG. 1.

Accordingly, withdrawal of these objections is respectfully requested.

**Claim Rejections Under 35 U.S.C. § 103**

Page 3 of the Office Action sets forth "Claims 1-3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,288,212 to Lee in view of U.S.

Patent Publication 2005/0135955 to Iversen." Page 6 of the Office Action sets forth "Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over...Lee in view of...Iverson and U.S. Patent 5,039,287 to Da Costa." Applicants respectfully submit that these rejections are overcome by the amendments to the claims for the reasons set forth below.

Applicants' invention, as recited by claim 1, includes features which are not disclosed, taught, or suggested by the cited art, namely:

...a hermetic container...

...a suction pipe including...

...a large diameter part having...an opening...

...a small diameter part...and...

...a transition part connecting the large diameter part with the small diameter part...

...wherein...the opening of the large diameter part is located at an inside of the hermetic container...

...a suction muffler for forming a muffling space...and...

...an inlet opening provided in the suction muffler, the inlet opening communicating the muffling space with an inside space of the hermetic container, the inlet opening spaced from the opening of the large diameter part of the suction pipe by a gap, the gap located at the inside of the hermetic container and communicating with the inside space of the hermetic container.

This means that the suction pipe has a transition part connecting the large diameter part with the small diameter part. The large diameter part of the suction pipe has an opening located inside the hermetic container. The hermetic container includes a suction muffler that forms a muffling space. The suction muffler has an inlet opening that is spaced from the opening of the large diameter part of the suction pipe by a gap. The gap is located inside the hermetic container. This feature is found in the originally filed application at page 3, line 26 to page 4, line 14, and FIG. 2. No new matter is added.

Lee is directed to the cylinder head of a hermetic reciprocating compressor. As shown in FIG. 7, for example, Lee discloses a suction pipe 41 opening into a hermetic container 1. Suction pipe 41 faces inlet part 53 of a suction cover 50, which passes coolant into cylinder 6. See Lee at column 7, lines 31-56, and FIG. 7.

Iversen is directed to a refrigerant compressor arrangement. As shown in FIG. 1, for example, Iversen discloses a suction muffler 7 in a hermetic casing 3. The suction muffler 7 includes a telescopic pipe 15 which extends through an opening 9 in hermetic casing 3. A suction socket 20 is affixed to the outside of hermetic casing 3 surrounding telescopic pipe 10. See Iversen paragraphs [0027]-[0031] and FIG. 1.

The Office Action recites that "[i]t would be obvious to one of skill in the art, at the time of invention, to modify the compressor taught by Lee with the suction pipe taught by Iversen." Applicants respectfully disagree.

Applicants respectfully submit that one of ordinary skill would not combine the suction socket 20 of Iversen with the compressor of Lee because Lee fails to disclose, teach, or suggest the use of a telescopic pipe. Iversen is directed to an improvement in compressors that incorporate a telescopic pipe. The field of the invention, background, and summary of Iversen are all concerned with compressors having a telescopic pipe protruding from the hermetic casing. See Iversen at paragraphs [0002]-[0008]. Specifically, Iversen teaches using a suction socket 20 to accommodate telescopic pipe 15. Iversen further teaches that suction socket 20 is welded to the outer surface 11 of the hermetic casing 3 in order to accommodate the movements of telescopic pipe 15. See Iversen at paragraphs [0031]-[0033] and [0038]-[0039]. Because the compressor of Lee fails to include a telescopic pipe, Applicants respectfully submit that one of ordinary skill would not incorporate the suction socket 20 of Iversen into the compressor of Lee.

Applicants further submit that, even if assuming *arguendo*, the suction socket 20 of Iversen were combinable with the compressor of Lee, the combination would fail to disclose, teach, or suggest the above features of claim 1. As described above, Iversen requires that suction socket 20 be fixed to the outer surface 11 of the hermetic casing 3. Thus, the combination of Lee and Iversen would fail to disclose a suction pipe that includes a large diameter section having an opening located inside the

hermetic container. This is different from the claimed invention, which requires that the opening of the large diameter part of the suction pipe be located inside of the hermetic container.

Further, as described above, Iversen requires a telescopic pipe 15 extending from the suction muffler 7 to an outside of the hermetic case. As stated in the M.P.E.P., "[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention." See M.P.E.P. § 2141.02(VI) (emphasis in original). Applicants respectfully submit that incorporating the teachings of Iversen as a whole requires incorporating not only the suction socket 20 but also the telescopic pipe 15 of Iversen with the compressor of Lee. Thus, the combination of Lee and Iversen would include a telescopic pipe extending from suction cover 50 and protruding from hermetic container 1. The combination would therefore fail to disclose that the inlet of the suction cover 50 and the opening of the suction socket 20 are spaced from each other by a gap that is located inside of hermetic container. This is different from the claimed invention, which requires the inlet opening of the suction muffler be spaced from the opening of the large diameter part of the suction pipe by a gap which is located inside of the hermetic container and in communication with the inside space of the hermetic container.

Accordingly, for the above reasons, Applicants respectfully submit that one of ordinary skill would not combine Lee and Iversen. Applicants respectfully submit that even if combined, Lee in view of Iversen fails to disclose, teach, or suggest the features of "a suction pipe including...a large diameter part having...an opening...located at an inside of the hermetic container...and...an inlet opening...spaced from the opening of the large diameter part of the suction pipe by a gap, the gap located at the inside of the hermetic container," as recited in claim 1.

It is because Applicants' claimed invention has a suction pipe including a large diameter part having an opening located at an inside of the hermetic container and an inlet opening spaced from the opening of the large diameter part of the suction pipe by a gap located at the inside of the hermetic container, that the following advantages are achieved. "With this constitution, low temperature cooling medium can be introduced to the compressing mechanism, so that a hermetic compressor having a

high refrigerating efficiency is obtained.” See the original application at page 2, line 26 to page 3, line 1.

Accordingly, for the reasons set forth above, claim 1 is allowable over the art of record. Withdrawal of the rejection and allowance of claim 1 is respectfully requested.

Claims 2, 3, and 5-7 include all of the features of claim 1, from which they depend. Thus, claims 2, 3, and 5-7 are also allowable over the art of record for at least the reasons set forth above with respect to claim 1. Withdrawal of the rejection and allowance of claims 2, 3, and 5-7 is respectfully requested.

Claim 4 includes all of the features of claim 1, from which it depends. Applicants respectfully submit that the addition of Da Costa fails to make up for the deficiencies of Lee and Iversen with respect to claim 1.

Da Costa is directed to a direct suction system for a hermetic compressor. As shown in FIG. 1, for example, Da Costa discloses a suction tube 10. Suction tube 10 includes an enlarged coupling 11 for housing a screen in suction tube 10. Suction tube 10 opens into a hermetic housing shell 1 through opening 10a. See Da Costa at column 3, lines 17-37, and FIG. 1.

Da Costa fails to disclose the enlarged coupling 11 having an opening inside of the hermetic housing shell 1. Da Costa further fails to disclose a gap between an opening of the enlarged coupling 11 and an inlet of a suction muffler of the compressor. Therefore, Applicants respectfully submit that the addition of Da Costa fails to make up for the deficiencies of Lee and Iversen with respect to claim 1.

Accordingly, for at least the reasons set forth above, claim 4 is allowable over the art of record. Withdrawal of the rejection and allowance of claim 4 is respectfully requested.

#### **New Claim**

Claim 8 includes all of the features of claim 1, from which it depends. Thus, claim 8 is also allowable over the cited prior art for at least the reasons set forth above with respect to claim 1. Applicants respectfully submit that claim 8 includes additional

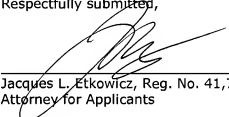
Application No.: 10/590,471  
Amendment Dated: March 5, 2010  
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MAT-8885US

features which are not disclosed, taught, or suggested by the cited prior art, namely: "the inlet opening is included in a pipe extending into an inside of the suction muffler and having another opening at the inside of the suction muffler." Accordingly, claim 8 is allowable over the cited prior art for at least this additional reason.

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance which action is respectfully requested.

Respectfully submitted,



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AJK/ajk/fp

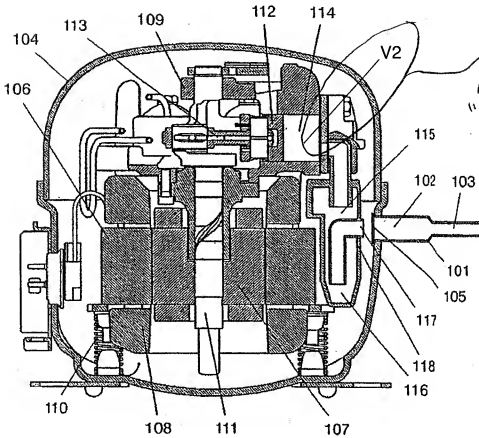
Attachments: FIG. 1 (1 sheet)  
Annotated Sheet for FIG. 1 (1 sheet)

Dated: March 5, 2010

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NM604845

FIG. 1



new  
reference sign  
"V2" is added  
along with  
the  
associated  
lead line

ANNOTATED SHEET